IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.737 OF 2006

In

NOTICE OF MOTION NO.1172 OF 2005

In

SUIT NO.683 OF 2000

Smt.Sohanikumari Surajmull Gouti : Appellant

(Orig. Plaintiff)

V/s.

Ranjitmull Jaychandlal Gouti & Ors. : Respondents

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Mr.N.V.Vimadalal with Ms Mrudula Kadam i/b. M/s.Vimadalal & Co., for the appellant.

Mr.Snehal Shah with Mr.R.B.Jain and Mr.Sanjay Jain i/b. M/s.Legal Juris for respondent no.4.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : OCTOBER 16, 2006.

P.C.

By consent of the counsel for the parties, the appeal is disposed of by the following order:-

(i) Annexure-I tendered by the parties is taken on record and shall form part of this order.

(ii) The appellant shall put up the door at the portion marked 'AB' as of now and subject to the decision in the appeal from the Notice of Motion in Suit no.2686 of 2002; or the decision in Suit no.2686 of 2002.

(iii) In case the appeal from the Notice of Motion in Suit no.2686 of 2002 or Suit no.2686 of 2002 is decided in favour of the respondent no.4 and she (respondent no.4) is held to be entitled to flat no.802, the doors and walls shall be put up as shown in red line in annexure-1. This will be done by the appellant at her own costs, after removing the door of the place 'AB' as afore-permitted.

(iv) The impugned order stands substituted accordingly.

(v) This order being an order in interim nature, obviously, it is without prejudice to the rights and contentions of all the parties in respect of all the flats.

(vi) No costs.

R.M. LODHA, J.

S.A. BOBDE, J.